United Nations A/C.3/64/4

General Assembly

Distr.: General
17 November 2009

Original: English

Sixty-fourth session
Third Committee
Agenda item 69
Promotion and protection of human rights

Letter dated 11 November 2009 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to convey to you the information on the elections to the Legislative Chamber of the Oliy Majlis and the representative bodies of the State authority of the regions, districts and cities, to be held in the Republic of Uzbekistan on 27 December 2009 (see annex).

I would appreciate your circulating the present letter and its annex as a document of the General Assembly, under agenda item 69.

(*Signed*) Murad **Askarov**
Permanent Representative

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Annex to the letter dated 11 November 2009 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Elections to the Legislative Chamber of the Oliy Majlis, the Jokargy Kenes of the Republic of Karakalpakstan and regional, district and municipal councils of people's deputies to be held in Uzbekistan

On 27 December 2009, elections to the Legislative Chamber of the Oliy Majlis (Parliament), the Jokargy Kenes (Parliament) of the Republic of Karakalpakstan and regional, district and municipal councils (*kengashes*) of people's deputies will be held in Uzbekistan. The electoral campaign began on 22 September.

During its years of independence, Uzbekistan has established, in accordance with generally accepted international principles, an effective legal framework for the organization and conduct of electoral campaigns. Special care is taken to ensure a level playing field for all those involved in the electoral process.

Electoral commissions play a major role in the electoral system. Uzbekistan has developed a unique system of electoral commissions that has functioned extensively during the years of independence and has been commended by international experts and specialists.

Under the Oliy Majlis Elections Act, elections to the Legislative Chamber are organized and conducted by the Central Electoral Commission and by district and local electoral commissions. The basic principles of their activities are legality, collegiality, openness, independence and fairness. Their work is governed by the Constitution and electoral laws.

Electoral commissions at all levels are now actively preparing for the elections to the Legislative Chamber of the Oliy Majlis, the Jokargy Kenes of the Republic of Karakalpakstan and regional, district and municipal councils of people's deputies. They will play a special role in ensuring that citizens are able to exercise their free will in the forthcoming elections, which will be carried out on a multicandidate and multiparty basis. One hundred and thirty-five district electoral commissions have already been established for the elections to the Legislative Chamber of the Oliy Majlis and the process of forming local electoral commissions is under way across the country.

The electoral commissions provide leadership in organizing and managing the electoral process. Their functions and legal status are set out in the Central Electoral Commission Act, the Suffrage Guarantees Act, the Presidential Elections Act, the Oliy Majlis Elections Act, the Act on Elections to Regional, District and Municipal Councils and other legislative acts.

One of the most important features of the process of establishing electoral commissions in Uzbekistan is that it is democratic and collegial. The Central Electoral Commission is formed by the Oliy Majlis with no fewer than 15 members, which is evidence of its collegiality. Particular attention is paid to the selection of candidates for membership in the Central Electoral Commission. They are selected

from among authoritative representatives of the community by the Legislative Chamber and the Senate of the Oliy Majlis on the recommendation of the Jokargy Kenes of the Republic of Karakalpakstan and the regional and Tashkent municipal councils. It should be noted, however, that some of the members of Uzbekistan's Central Electoral Commission are permanent.

The Central Electoral Commission is the main body responsible for the holding of elections. The Commission has the power to ensure compliance with such democratic principles as the universality and equality of elections, ballot secrecy, fairness, freedom and openness.

Once the Central Electoral Commission has announced the start of an electoral campaign, district and local electoral commissions are established.

District electoral commissions are established by the Central Electoral Commission at least 70 days before the elections and comprise a chairman, vice-chairman, secretary and six to eight commissioners. It should be noted that candidates for membership in electoral commissions are discussed at meetings of the Jokargy Kenes of the Republic of Karakalpakstan and of the local and Tashkent municipal councils and are recommended for approval by the Central Electoral Commission. They are selected from among authoritative representatives of the community.

The district electoral commission is the main organizational centre for elections in the territory it covers. It monitors the implementation of electoral laws throughout that territory and ensures their uniform application, sets up polling stations and numbers them by district, publishes a list of polling stations and their addresses, and coordinates the activities of the local electoral commissions.

The local electoral commission is an important front-line component of the system of electoral commissions. By law, local electoral commissions are established 40 days before the elections. They are formed by the district electoral commissions upon the recommendation of regional and municipal *khokimiyats* (governing bodies). At military bases, polling stations are established by district electoral commissions at the request of the base or unit commanders. At Uzbek missions in foreign countries, polling stations are established by the Central Electoral Commission at the request of the Ministry of Foreign Affairs. In order to ensure that citizens have the necessary conditions to exercise freely their constitutional right to vote, a polling station generally serves no fewer than 20 and no more than 3,000 voters.

In order to ensure the openness of the entire electoral process, district electoral commissions inform the voters of the boundaries of each electoral district and the locations of the local electoral commission and the polling station.

At election time, timely establishment of accurate electoral rolls, a task for which local electoral commissions bear the greatest responsibility, is very important. All Uzbek citizens who will have reached the age of 18 by or on election day and who are permanent residents of an electoral district at the time of its establishment are entered on the electoral roll.

A voter may not be included on the electoral roll of another electoral district. An electoral roll is prepared for each electoral district by the local electoral commission and is signed by the chairman and secretary of the commission. The

local electoral commission usually calls upon representatives of the community to participate in drawing up the electoral roll. District and municipal *khokimiyats* supply the voter registers and provide the local electoral commissions with the information on resident voters they require in order to draw up the electoral rolls.

The electoral rolls for voters who are serving in the military and residing on military bases and for family members of soldiers and other voters residing in districts where military bases are located are drawn up on the basis of information provided by the commanding officers of the military bases. People serving in the military who reside off base are placed on the electoral roll for their place of residence in the regular manner.

The electoral rolls for polling stations at Uzbek missions in foreign countries and at sanatoriums, resorts, hospitals and other permanent medical institutions are drawn up on the basis of information provided by the management of those institutions. Voters' surnames appear on the electoral roll in the order convenient for the organization of voting.

The main duty of local electoral commissions during the preparatory period is to inform the public about the electoral rolls, which are made public 15 days before the elections. In polling stations established at Uzbek missions in foreign countries, at sanatoriums, resorts, hospitals and other permanent medical institutions and in remote regions and areas that are difficult to reach, they are made public two days before the elections. The local electoral commissions inform voters of where and when the rolls will be published.

Citizens are given an opportunity to consult the electoral roll at the office of the local electoral commission to check its accuracy. Every citizen has the right to appeal against his or her erroneous inclusion in or exclusion from the electoral roll and against errors in voter information. Appeals are considered by the local electoral commission, which must consider an appeal within two days — or immediately, if it is submitted the day before or the day of the elections — and make the necessary corrections to the roll or give the person who submitted the appeal a copy of the grounds for rejecting it. The commission's decision may be appealed, no later than three days prior to the elections, to the district (municipal) court, which must consider the appeal within two days. The decision of the district (municipal) court is final. The local electoral commission immediately corrects the electoral roll in accordance with the court decision.

A number of amendments have been made to the electoral legislation aimed at ensuring transparency and openness in the functioning of the electoral commissions. In particular, a provision has been introduced requiring the chairman of the local electoral commission or his or her deputy to announce the official results of the vote count and to make them public by posting them for at least 48 hours at the office of the local electoral commission.

The Central Electoral Commission has decided to admit to participation in the forthcoming December elections to the legislative and representative organs of state authority the People's Democratic Party (NDP), the Adolat Social Democratic Party (SDP), the Movement of Entrepreneurs and Businesspeople — Liberal Democratic Party of Uzbekistan (UzLiDep) and the Milliy Tiklanish Democratic Party.

This is yet further evidence that during the forthcoming electoral campaign one of the main principles of elections — the principle of the multiparty system,

which offers the electorate a broad and real alternative in exercising the constitutional right to vote — will be respected.

Systematic measures have been taken aimed at developing the multiparty system and ensuring pluralism of opinions in society. Study of the multiparty system in independent Uzbekistan shows that over the years of independence a substantial legislative framework has been developed which ensures conditions for the broad socio-political activity of political parties. A Public Associations Act, a Political Parties Act and a Political Parties (Financing) Act have been adopted.

Experience of conducting elections in independent Uzbekistan and the electoral legislation in force there guarantee the democratic nature and effectiveness of the forthcoming elections. Certainly, these elections will constitute an important step in the development of a democratic society ruled by law in Uzbekistan.

The activity of a political party and its significance cannot nowadays be viewed in isolation from the development of the parliamentary system. Indeed, acceptance of a party's active participation in the lawmaking process is one of the most effective ways of securing attainment of its programme objectives, providing for the drafting of bills, and also the introduction of amendments and additions to legislation in force taking into account the need to protect and advance the interests of the people voting for the political parties and their manifestos.

An important stage in the development of the legislative framework for the multiparty system in Uzbekistan consisted of the Constitutional Act on the Legislative Chamber of the Oliy Majlis and the Act on the Rules of Procedure of the Legislative Chamber of the Oliy Majlis. These acts strengthened the position that the Legislative Chamber is constituted on a multiparty basis. For the first time, a set of measures regulating the procedure for establishing the activity of the political parties' parliamentary groups was incorporated into the legislative instruments on Uzbekistan's Parliament.

The formation of the parties' parliamentary groups led to an improvement of the mechanism for healthy competition and constructive rivalry not only in lawmaking, but also in the adoption of vital decisions aimed at the further liberalization of the public political and socio-economic reforms under way.

In February 2005 the Democratic Bloc was formed in the legislative chamber of the Oliy Majlis, bringing together the parliamentary groups of UzLiDep, the Fidokorlar National Democratic Party and the Adolat SDP, which constituted the parliamentary majority. The Bloc proclaimed its objective as being to unite efforts so that, with a voting majority, it could ensure preparations for the adoption of the legislation required to deal with the problems of protecting human rights and freedoms, renewing the life of the State and of society, enhancing social and economic reforms and in addition implementing vital programmes for the modernization of society, laying the foundations for civil society and creating a free economy. The activity of the Bloc was aimed at drawing up and implementing programmes of lawmaking activity that reflected national interests and provided for the solution of problems in the political, economic, social, spiritual/educational and foreign policy areas.

The reaction to the uniting of the three parties' parliamentary groups into the Bloc was the announcement by the NDPU group in Parliament, which in fact ranked second in numbers, that it was in opposition to the Bloc. For the first time in

national parliamentary practice, the NDPU group positioned itself as the minority opposition party in Parliament.

Defining its political position as the left wing of the political forces represented in Parliament, the NDPU faction stated that "in the drafting, discussion and adoption of specific bills in the Legislative Chamber, it will adopt its own independent stance, which perhaps will not coincide with the position of the parliamentary majority".

This formalization in the Legislative Chamber of the parliamentary majority and the parliamentary opposition became the organizational foundation for healthy competition between groups and the introduction of an effective mechanism of checks and balances. The development of competition in the Legislative Chamber of the Oliy Majlis has ensured more harmonious reflection in lawmaking activity of the various public interests, and consequently an increase in the quality of the laws adopted and of their execution.

Mention must also be made of the importance of the Constitutional Act, adopted on the initiative of the Head of State, on strengthening the role of political parties in the renewal and further democratization of State governance and the modernization of the country, which in the timeliest possible manner laid the legislative foundation for further pursuit of the democratic reforms and the structuring of the political interests of the electorate and the body of deputies.

These changes transform the political parties' groups in Parliament into a decisive element in the attainment of their programme objectives. From now on, the level of participation of civil society institutions in the reforms under way with a view to the democratic renewal and modernization of the country will depend in no small measure on the work of the political parties' parliamentary groups.

The Constitutional Act also strengthened the role of the political parties' associations of deputies in the representative organs of authority both centrally and at the local level. The provisions of this Act laid the foundations for the exercise of effective public control over the entire system of executive authority, from the Government to the organs of local authority, thus facilitating a strengthening of the role of the political parties and their practical significance in the life of society.

The Act also gave the political party group proclaiming itself as the parliamentary opposition fairly substantial additional guarantees groups regarding its activity. In particular, article 2 of the Constitutional Act provides that "the factions of the political party which proclaim themselves as the parliamentary opposition shall have, together with the powers assigned by law to the groups, the right to submit alternative wordings for bills together with a report on the matter at issue of the responsible committee of the Legislative Chamber, and to introduce into the record of plenary meetings of the Legislative Chamber their specific views on the issues under discussion", as well as a number of other rights. At the same time, the article establishes that the rights of the parliamentary opposition guaranteed by law may not be restricted by the parliamentary majority.

The new political situation that emerged after the adoption of the Constitutional Act and the opportunities it created led the political parties to review their activities. To a certain extent, this also explains why two political parties which had representatives in Parliament — Fidokorlar NDP and Milliy Tiklandish DP — decided to merge their forces and capabilities against a

background of increasing inter-party rivalry. In this connection the representatives of the parties stated that the merger stemmed from their common programme objectives, and it was emphasized that the unification of these two parties with similar ideological programmatic aims created new political and organizational opportunities for effective problem-solving and would enable the new party to position itself as one of the leading political forces, possessing considerable potential and the support of the people who voted for it.

The political parties began to position themselves more precisely in the political arena and to defend the interests of their voters much more effectively; the arsenal of the political struggle was expanded, as was the range of methods used for the attainment of their objectives within the framework of the law. The next important step towards strengthening the role of the political parties in the socio-political life of the country, which greatly enlarged their role and significance in society, was the adoption, on the initiative of the President of Uzbekistan, Islam Karimov, of the Act amending and supplementing certain legislative acts in the light of the improvement of the electoral legislation.

The adoption of this Act marked a further stage in the liberalization of domestic electoral law, fully in keeping with the spirit of the democratic changes taking place in Uzbekistan and global democratic trends. It significantly increased the involvement of Parliament and civil society institutions in these trends and their opportunities for participating in them.

For example, the Act increased the number of deputies in Parliament to 150. Of this total, 135 seats are for deputies from political parties elected on a multiparty basis and by universal, equal and direct suffrage in a secret ballot to represent local single-member constituencies. The other 15 seats are for deputies elected from the Environmental Movement of Uzbekistan to represent the country's local administrative subdivisions.

A further innovation was that candidates are now nominated only by the political parties. This imposes on the parties an even greater responsibility towards the electorate. In addition, the parties' functions in the electoral process itself were extended. The Act introduced the position of authorized party representative, who has the right to take part in the verification by the Central Electoral Commission of the regularity of the compilation of the lists of signatures supporting the nomination of candidates and in the counting of votes at polling stations; this procedure will provide an additional guarantee of the openness and transparency of the electoral process. The maximum number of official agents of candidates for election to Parliament was doubled from five to 10, and political parties were given the right to organize and conduct meetings with voters on their own initiative.

One very important feature of the 2009 elections is that they will take place under the qualitatively new political and socio-economic circumstances resulting from the adoption of the Constitutional Act on strengthening the role of political parties in the renewal and further democratization of State governance and the modernization of the country, which has had an enormous influence on the development and consolidation of the multiparty system in Uzbekistan and on the expansion of the role of political parties in the work of the Legislative Chamber of the Oliy Majlis and the elected local authorities and in the organization of the executive branches of central and local government

Accordingly, the recent changes in the electoral law justify the assertion that the elections to the Legislative Chamber, as well as to the local councils of people's deputies, will take place in an atmosphere of fairly fierce competition among the political parties. There has already been a perceptible increase in their pre-election activities, reflected both in their endeavour to use all the new forms of political technology when campaigning among the people and in the materials put out by their party media.

In this situation, of course, very much will depend on the position of the Central Electoral Commission. The Policy Outline on the preparation and conduct of elections to the Oliy Majlis and the provincial, district and municipal councils of people's deputies contains provisions excluding the granting of any advantages or preferences to any of the participants in election campaigns, specifying the Central Electoral Commission as the principal organizer of the conduct of election campaigns, and prohibiting interference by any person in the electoral process. The Policy Outline stipulates that the rules and requirements of the electoral law and the procedure for the preparation and conduct of elections specified by law and in the Policy Outline shall be binding on and identical for everyone.

The foregoing account shows that the improvement of the political organization of society in Uzbekistan has become a dynamic and constantly developing process.

Uzbekistan is gradually climbing to a qualitatively new level of political development, at which the parties are becoming a more sophisticated instrument of the democratic process and a means of stimulating the people's participation in managing the business of society and the State.

All of this increases the societal responsibility of the political parties to ensure the successful implementation of the ongoing reforms. In discharging this responsibility the parties themselves must seek ways of developing the political system, advancing proposals for reform, working to improve their own organization, and becoming more self-sufficient. This is the only way for a party to acquire maturity and sustained electoral support, form a strong group in Parliament, and fulfil its obligations to the people who voted for it.

Uzbekistan's political parties have thus become an essential tool for stimulating citizens' political and social activity and for expressing the people's will and opinions through the electoral process and direct participation in the formation of the central and local organs of government, all of which is giving a powerful boost to the country's further democratization and modernization. However, much remains to be done: there is a great potential for the parties to realize. Specifically, they must learn how to oppose each other in a constructive spirit while at the same time working as partners in determining the State's strategies, to prepare and bring forward from their own ranks persons capable of making a competent contribution to the management of the affairs of the State and society, and to enhance the people's political development.

The political parties have now elevated their activities to a qualitatively new level, and their standing in society is gradually being consolidated. It may be confidently asserted that the experience of political activity gained in the elections to the Oliy Majlis in 1994, 1999 and 2004 will enable the parties to play a successful part in the forthcoming 2009 elections as well.